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Committee on the Rights of the Child
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Summary record of the 2071st (Chamber B) meeting
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Chair: Mr. Mezmur

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The meeting was called to order at 3 p.m.

Consideration of reports of States parties *(continued)*

Combined fourth and fifth periodic reports of Peru (continued) (CRC/C/PER/4-5; CRC/C/PER /Q/4-5 and Add.1)

1. *At the invitation of the Chair, the delegation of Peru took places at the Committee table.*

2. **Ms. Santiago Bailetti** (Peru) said that child protection strategies had been established encompassing budget allocations, health-care units, prevention programmes, reporting mechanisms and emergency shelters. Surveys were conducted in schools and families to determine the sociocultural factors leading to violence against children and the extent of the phenomenon. The network of municipal offices for the defence of children and adolescents was in place to target violence in schools and awareness-raising campaigns were conducted for parents in social assistance centres throughout the country, including in the remote areas of the Peruvian Amazon. The "Juguemos" service aimed to give effect to the Committee's previous concluding observations by enhancing social relations through play. The Act on domestic violence and the Criminal Code both provided for sanctions for persons who caused harm to the moral or physical integrity of children. Pursuant to new legislation regulating teachers' careers, teachers involved in cases of violence against children were subject to suspension or dismissal from their profession.

3. A process for the decentralization of children's institutions was under way, covering standardization and accreditation of centres, particularly those that were State-funded. To that end, a national policy and budget had been designed to create the necessary conditions to ensure that children remained in institutions only as a last resort, thereby upholding their right to live in a family. Children's residential care centres were subject to annual inspection and monitoring, further to which recommendations were formulated and training sessions held. Interdisciplinary teams also provided specialist training to staff to strengthen emergency, intervention, protection and rehabilitation procedures. Since the decentralization process, most child protection measures were applied in cases where children remained in the family home, and the number of children living in institutions had decreased. Statistics showed that domestic adoptions accounted for 59 per cent and intercountry adoptions 41 per cent of all adoptions in 2015.

4. **Ms. Suárez Salazar** (Peru) said that children participated in various discussion meetings regarding their health through the advisory councils of children and adolescents. Recent campaigns had centred on raising awareness and reducing levels of anaemia and malnutrition. The National Plan of Action for Children and Adolescents also provided for young people's participation in health matters that concerned them. Furthermore, an initiative had been launched in cooperation with the Joint United Nations Programme on HIV/AIDS to raise children's awareness and prevent stigmatization of persons living with HIV/AIDS.

5. **Mr. Chávez Basagoitia** (Peru) said that a lack of resources and difficulty in accessing the remote areas of the Amazon region, which constituted 57 per cent of the country's territory and where most indigenous communities lived, hampered the effective implementation of social, cultural and education programmes. Consultation with those communities had revealed that the demands and aspirations of indigenous and ethnic minorities varied markedly. For example, although nationwide literacy workshops were conducted in minority languages, some communities took the view that proficiency in Spanish would create greater social and professional opportunities for them.

6. The *jus soli* principle prevailed in the State party and all persons born in Peru therefore held citizenship. Between 2013 and 2015, the requests had been granted of around 1,300 asylum seekers, none of whom had been stateless. Data concerning statelessness disaggregated by children and adults would be available from 2016.

7. Following reports submitted by an NGO of racist portrayals of Afro-descendants in a television series, the television broadcasting channel in question had taken the series off the air. Another television series criticized for its racist depiction of indigenous peoples was also later withdrawn after public outcry. The Animal Protection and Well-being Act, enacted in November 2015, did not prohibit bullfights, which were still considered by many as a cultural tradition to be preserved, but public debate was ongoing on that issue.

Initial report of Peru on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/PER/1; CRC/C/OPAC/PER/Q/1 and Add.1)

8. **Mr. Vásquez Ríos** (Peru) said that the armed conflict generated by the Shining Path terrorist organization in the 1980s and 1990s no longer plagued the country and although remnant armed groups and non-State actors involved in drug trafficking were still active and recruited minors, particularly in the south of the country and the Amazon region, there had been a dramatic reduction in the number of children involved in violent conflict. The Ombudsman's offices for children and adolescents had not received any reports on the participation of children in the armed forces or non-State armed groups in 2014 or 2015.

9. The Ministry of Defence, which was currently adequately resourced, was responsible for monitoring implementation of the Optional Protocol and various items of legislation were in force to ensure that minors were not recruited for the purposes of armed conflict. Act No. 29248, the Military Service Act of 28 June 2008, for example, stipulated that military service was voluntary and open to men and women over the age of 18. A military personnel support office had been set up to oversee implementation of that Act, maintain contact between military personnel and their families, and improve military services. The participation of minors in the armed forces, even in states of emergency, was also defined as an offence under the Criminal Military Police Code. In addition, legislation regulated the content of recruitment notices, and provided for the individual criminal responsibility of recruiters and the obligation to incorporate international humanitarian law into military training. Human rights training and reporting mechanisms were also available to conscripted personnel. No statistics were available on cases of recruitment of minors into the armed forces as there had been no such cases. Data collection relating to remnant and non-State armed groups proved challenging owing to the nature of those factions but police data in that regard fell under the category of abduction. The recruitment of minors into private security firms was not currently defined as an offence under the Criminal Code and the issue had not fostered much public debate. Where such an offence was detected, it was prosecuted in accordance with the provisions on abduction.

10. Events in the reports referred to by the Committee dated back to 2007 and had been duly investigated and the perpetrators prosecuted. The armed forces were authorized to back up the police services during demonstrations but direct military intervention necessitated an order from the Government, even during a state of emergency. There had been no repression of social demonstrations and strict guidelines on the appropriate use of force had been disseminated among police officers. Any abuse of power or use of disproportionate force by the police or security services was subject to prosecution and sanctions.

11. **Ms. Ayoubi Idrissi** said that she would like concrete examples of rulings handed down by the courts in cases involving the disproportionate use of force by police officers during demonstrations. She also wished to know whether procedures had been established to identify child refugees who had been involved in armed conflict upon their arrival in Peru and, if so, what measures had been taken to rehabilitate and reintegrate those children into society.

12. **Mr. Vásquez Ríos** (Peru) said that there were several cases involving the disproportionate use of force by persons in positions of authority before the courts. The most high-profile case was the so-called *Curva del diablo* case in which 23 police officers and 10 civilians had lost their lives during a social demonstration over indigenous landownership. Information on the outcome of the case could be provided in writing upon request. As to children who had been recruited into non-State armed groups, the Government had taken numerous measures to rehabilitate and reintegrate the victims into society.

13. **Ms. Santiago Bailetti** (Peru) said that the Government had drafted a protocol on the rescue of child victims from non-State armed groups in cooperation with the International Committee of the Red Cross and the United Nations Children's Fund. Rescued child victims were entitled to comprehensive medical care and psychological counselling thereunder as part of efforts to support their reintegration into society. Some particularly vulnerable victims had also been housed in shelters as part of the witness protection programme.

14. **Mr. Vásquez Ríos** (Peru) said that most refugees arriving in the country were Haitian nationals who wished to transit through Peru to reach other third-country destinations. They travelled through areas of the country that were located far away from the high-risk regions where groups such as the Shining Path operated. Consequently, there had been no reported cases of refugees, including child refugees, being recruited into non-State armed groups.

15. **Ms. Suárez Salazar** (Peru) said that article 88 of Decree-Law No. 1094 had been declared unconstitutional by the Constitutional Court, which had ruled that violations of fundamental rights committed by police or military officers during the exercise of their duties, such as the use of children in hostilities, should be considered and tried as ordinary, rather than military, offences.

16. **Mr. Vásquez Ríos** (Peru) said that persons found guilty of recruiting children into non-State armed groups were subject to severe punishment under the Criminal Code. For example, persons convicted of recruiting children for the purpose of terrorist activities faced up to 30 years' imprisonment.

17. **Mr. Chávez Basagoitia** (Peru) said that the submission of the report had been delayed while the Government had taken steps to bring domestic legislation in line with the Optional Protocol. It had been a lengthy process, but one that had been necessary to comply fully with the Optional Protocol's provisions.

18. **Mr. Cardona Llorens** asked whether border guards and immigration officials received training on how to identify child refugees who had been involved in armed conflict. He also wished to know whether weapons handling training was part of the curriculum at military schools and whether children had access to weapons.

19. **Mr. Vásquez Ríos** (Peru) said that information on the training offered to border guards and immigration officials would be provided at a later date. There were a number of specialist schools for children of active military personnel. Such schools followed the national curriculum and did not offer military training of any kind. There were also several military colleges which offered some non-lethal military training towards the end of the secondary education cycle, but which focused primarily on

teaching the national curriculum. Children attending either type of school were not considered members of the army in any capacity. Military service was voluntary in Peru and any persons found guilty of recruiting adults or children would be subject to harsh punishment.

20. **Mr. Chávez Basagoitia** (Peru) said that the granting or refusal of refugee status was closely monitored and a representative of the Office of the United Nations High Commissioner for Refugees was present at each stage of the process. There had been no cases of asylum being denied at the border.

21. **Ms. Ayoubi Idrissi** asked whether there had been any cases of unaccompanied child refugees arriving in the country and, if so, what procedures had been established to care for them.

22. **The Chair** said that he would like to know whether there had been any cases of children joining self-defence groups in indigenous communities and, if so, what measures had been adopted to prosecute and punish the persons responsible for their recruitment.

23. **Mr. Vásquez Ríos** (Peru) said that persons wishing to join the military must present their national identity document proving their age, which was checked against the national registry of persons. There had been no cases of underage applicants joining the armed forces following the introduction of such a strict verification process. Self-defence groups in the indigenous communities, however, had a different recruitment process, but such groups were strictly prohibited from recruiting children and any persons found guilty of doing so would be subject to harsh criminal sanctions. As to extradition requests linked to offences covered by the Optional Protocol, the Government had included the Optional Protocol's provisions in all its existing extradition treaties with other States and there were no obstacles to invoking the Optional Protocol in cases where an extradition treaty did not exist. In recent years, there had only been two cases of unaccompanied children seeking refugee status. Unfortunately, both individuals had fled the children's care unit in which they had been placed before their applications had been considered.

24. **Ms. Ayoubi Idrissi** asked whether the Optional Protocol could be relied upon directly in Peruvian courts as the basis for extradition if there was no domestic legislation permitting the extraterritorial application of Peruvian law for the crime in question. She also wished to know the administrative status of the Optional Protocol.

25. **Mr. Vásquez Ríos** (Peru) replied that certain crimes which had been committed abroad could be prosecuted in Peruvian courts, although normally extradition must be based on a treaty with the other State. It was, however, possible to rely on the Optional Protocol in order to request active or passive extradition in the absence of a specific international instrument between the States concerned, or if the extradition treaty between them did not cover the crime in question. As for the administrative status of the Optional Protocol, the latter had been incorporated to a great extent in the Peruvian legal system through a series of laws establishing penalties and procedures, which in substance gave effect to its provisions. Where lacunae did exist, the Protocol could be directly invoked, because under the Constitution international instruments to which Peru had acceded formed part of its legal order and the relevant courts would ensure that they were applied.

Initial report of Peru on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/PERU/1; CRC/C/OPSC/PERU/Q/1 and Add.1)

26. **Mr. Vásquez Ríos** (Peru) said that Peru had a nexus of legal and technical instruments combating the sale of children, child prostitution and child pornography, including Act 28950 of 2010, which had amended some sections of the Criminal Code on the trafficking of migrants. The regulation implementing the Act set out the main thrust of action in that connection. There was a National Plan of Action to Combat Trafficking in Persons, and the National Council on Criminal Policy, comprising inter alia representatives of the Ministry of Justice and Human Rights, the Ministry of the Interior, the judiciary and the Attorney General, had approved a national policy for State institutions on the matter.

27. In 2014, the department investigating trafficking in persons had carried out 210 operations and had filed 174 reports. The vast majority of the victims had been women, but 72 had been minors, including 36 boys. In the first half of 2015, minors had made up 16 per cent of trafficking victims. The largest number of cases had been reported in the Lima region, followed by Madre de Dios, Loreto and San Martín, and most had concerned young people in the 13-17 age group, who had been lured by false offers of employment or support for their studies. The budget for implementing the above-mentioned national plan had risen substantially between 2014 and 2015, with the largest contribution coming from the Ministry for Women and Vulnerable Groups. Although the technical secretariat of the standing multisectoral group responsible for executing the plan was in the Ministry of the Interior, the problem of trafficking was not viewed solely in terms of security. The various sectors involved tried to help the victims to escape from trafficking networks and reintegrate fully in society, find a job or pursue their studies.

28. **Ms. Santiago Bailetti** (Peru) said that the principle underlying all measures to combat the sale of children, child prostitution and child pornography was to provide comprehensive protection of all children and young persons who, for any reason, were at risk of becoming victims to violence or to violations of their rights. The action taken by children's protection services was three-pronged and consisted in prevention, prosecution and recovery. Its aim was to recover children and return them to their families, provided that they would not then be exposed to any further risk of sexual exploitation in that environment. To that end, the child protection services currently worked hand in hand with the Special Prosecutors for Family Law Cases and for Organized Crime. In the past the lack of such cooperation had led to children being returned to families where they had been at risk.

29. A massive campaign had been conducted to alert children, young people and their parents to the dangers of sexual grooming in Internet chat rooms. In addition, the Ministry of Foreign Trade and Tourism had encouraged over one thousand private businesses in the service sector to sign a code of conduct designed to protect children from sexual abuse. Furthermore, the Public Prosecution Service, the Ministry of the Interior and the national police had joined forces to implement the Blue Heart Campaign against Trafficking. In order to prevent children falling into the clutches of organized criminal gangs, the identity documents of minors had to be checked by transport companies when they travelled. If youngsters were not accompanied by their parents, they had to present their parents' written authorization to do so. Transport firms were being trained in how to conduct such checks and a campaign urging parents to make sure that their children had an identity card had been launched. Since the unauthorized transport of minors was an offence, if any such cases were detected they would be reported to the prosecution services for investigation, prosecution and the

adoption of the appropriate measures, in cooperation with the local child protection services, namely locating the young persons' family, providing them with health care and integrating them in the education system.

30. While the prosecution services conducted criminal proceedings against traffickers, the Ministry for Women and Vulnerable Groups was responsible for organizing the youngsters' protection. To that end, it ran three shelters in cooperation with various private institutions and international bodies in order to ensure that initially they had a safe place to sleep. It had established a standard procedure for coordinating the action of all the services involved in the subsequent stages and had mapped existing capacity with a view to launching a national training course in the specialized care of young victims, in order to make sure that they received suitable, timely and good-quality assistance.

31. The Ministry for Women and Vulnerable Groups and the Ministry of Tourism had mounted an informative campaign in hotels in three towns in an effort to counter sex tourism. The Ministry of Justice assigned defence lawyers to assist young people who had fallen prey to such tourism. The courts and specialized prosecutors could intervene through a mobile unit which organized immediate socio-emotional support and health care whenever a child or young person who had been trafficked or subjected to sexual exploitation was recovered. Many victims of sexual exploitation were not registered, as they did not view themselves in those terms. The Ministry for Women and Vulnerable Groups had mapped the situation indirectly in some regions through the health services and schools. It had also set up a subcommittee which had drawn up two guides on detecting sexual exploitation and on basic steps for the recovery of children and young people who had been sexually exploited. Programmes for implementing the National Action Plan for children and adolescents had been approved in 18 regions and the Ministry was working with local authorities to give effect to 7 regional plans. The supervisory activities of local authorities' budget commissions made it possible to track the implementation of those plans, as well as expenditure on measures to counter the trafficking and sexual exploitation of children.

32. **Ms. Oviedo Fierro** (Country Rapporteur for the Additional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography) said that she was concerned that many anti-trafficking measures were general in nature rather than focused on children and young people. She wished to know what results had been achieved by binational conventions on combating trafficking. Why was the information contained in the two databases on trafficking not in the public domain? She wondered whether the services which the delegation had described were enough to address the problem.

33. **The Chair** said that the Committee would like to receive more information on coordination between the police and prosecutors, given that there had been reports of delays in proceedings resulting from ineffective communication between those parties. The Committee would like to commend the State party on the ongoing study being conducted on the subject of trafficking. Was child prostitution on the rise in the State party?

34. **Ms. Ballettí** (Peru) said that all of the services mentioned previously specialized in dealing with children, the only exception being the emergency centres for women, which also catered for women. The residential centres also specialized in the care of children and in the rescue of trafficking victims. The best support for children who were victims of trafficking was provided in Lima, where multidisciplinary teams worked with the Public Prosecutor's Office and there was a forensic medicine service solely for children. A process to centralize all the services provided was also under way. Family conflicts could no longer be penalized and were dealt with as an administrative issue, rather than a legal one.

35. There was ongoing coordination between the police and prosecution services, in particular when it came to rescuing trafficking victims and on intelligence issues. There had been no reports of cases in which the police had not been cooperative with prosecutors. Additional systems and services had been put in place in order to detect child prostitution. The Government worked intensively with civil society in order to make the public aware of the fact that child prostitution should be understood as exploitation of children. The media campaigns on that subject had been successful in raising awareness among society and making the issue more visible. The media had come to realize that an offence was being committed and had therefore revised the way it presented child prostitution. Peru was committed to setting up support systems and prevention mechanisms to tackle child prostitution.

36. **Ms. Súarez Salazar** (Peru) said that victims of violence and sexual exploitation were automatically able to access the nearest comprehensive health-care facilities. The Government had taken steps to strengthen social networks to protect children and reduce risky behaviours, with the aim of reducing cases of violence. In 2014 the Government had started work on improving procedures and standards in the field of mental health, in order to prevent the ill-treatment of children. Workshops had been held for health-care professionals and managers, and training was provided for health-care teams in order to equip them with the skills they required to offer preventive care and assistance to victims of trafficking. Technical assistance had also been provided to train health-care workers in regional outposts.

37. A mental health campaign had been carried out in 2014 in the Madre de Dios region, where the highest rates of sexual exploitation and trafficking were recorded. Training had focused on eradicating the idea of people as chattel. In the framework of the National Plan of Action to Combat Trafficking in Persons, activities were held in the fields of protection and prevention in 2015. The INFOSALUD programme had helped raise awareness about trafficking and had introduced a better method of lodging complaints and reports about alleged cases of trafficking. The programme had also served to build up a register of suspected cases of trafficking. In 2015, over 1,000 children had received training on the subject of the health-related aspects of trafficking. Efforts had also been made to extend the training to staff in the education sector, with a focus on assistance and protection, and on rescuing victims of trafficking. Funding had already been made available.

38. With regard to monitoring cases of trafficking, the strategy needed to be better implemented if comprehensive protection was to be achieved. That could take the form of providing technical assistance to regional governments, for example. Regarding organ trafficking, it was not legally possible for a child to consent to donate an organ. The only case that would be permitted was where the donor was a sibling of the recipient and the parents had expressly authorized the procedure. That approach ensured that children could not be victims of organ trafficking.

39. **Mr. Cardona Llorens** said that the Committee would like to know whether the sale of children was a stand-alone offence in the Peruvian legal system. The Committee acknowledged that the Criminal Code was being revised in order to comply with the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions but would like to know whether there was also a plan to introduce crimes committed by legal entities into the Code.

40. **Mr. Vásquez Ríos** (Peru) said that Gesell Chambers were used in forensic and legal facilities and were essential to avoid revictimization. There were 40 such chambers in Peru as well as 20 individual interview rooms and 7 special reception areas, which provided an appropriate environment for victims. There were also 45 residential care centres for children in the country, 4 of them specifically for victims of trafficking. With regard to campaigns to prevent trafficking, the Ministry of the

Interior had carried out a range of activities, such as broadcasting over 800 different programmes on national and local media channels, in order to raise awareness of the issue. Other awareness-raising activities carried out by the Government had included a play about human trafficking, performed in theatres throughout the country. Where private companies were concerned, there were codes of ethics in place, with which the companies were required to comply. Failure to do so would result in administrative sanctions.

41. The Congress of the Republic was currently debating the possible adoption of a new Criminal Code and the issue of the criminal responsibility of legal entities would potentially be addressed in that way. A recommendation issued by the Committee on the subject might be helpful in guiding the discussion in Congress, which had so far mainly focused on bribery. While criminal responsibility for legal entities was not explicitly provided for under the law on trafficking, perpetrators in charge of legal entities were held criminally responsible under the Criminal Code.

42. **Mr. Cardona Llorens** said that the Chair of the Committee had sent several letters to the President of the Republic and the Ministry of Foreign Affairs to express the Committee's numerous concerns about the way in which Legislative Decree No. 1204 affected children in the case of serious crimes. The Committee had not received an answer to the letters, however, and would appreciate a reply on the issue.

43. **Mr. Vásquez Ríos** (Peru) said that Peru had put in place various measures to safeguard the well-being of children who were in conflict with the law. The paternalistic attitude of the State towards children, which had prevailed in the past, had been replaced with a more comprehensive, protective role that guaranteed their rights. Act No. 27337 and various legislative decrees enshrined the change in the legal approach to children. Recidivism, in relation to serious crimes, including sexual offences, for example, carried a sentence of over 6 years of imprisonment, while the concept of dangerousness gave rise to specific sanctions. The concept of dangerousness was defined with reference to social and personal factors, following an assessment of the psychological profile of the individuals concerned and their tendency to commit serious offences. The overall objective of the strategy was the rehabilitation and reintegration into society of the adolescents, and the approach was tailored in order to provide individual, targeted treatment and support to achieve that aim.

44. **Ms. Oviedo Fierro** said that the Committee appreciated the efforts made by the State party, which demonstrated a real commitment to the rights of children. The Committee hoped that the current Government would be able to transmit the dialogue and recommendations of the Committee to the new administration in 2016. The State party would continue to face challenges in defending human rights in the future, and the Committee looked forward to further cooperation with the Government.

45. **Mr. Vásquez Ríos** (Peru) said that the delegation would like to thank the Committee for the constructive and useful dialogue. He reiterated that Peru was fully committed to defending the human rights of children.

46. **The Chair** thanked the delegation for their feedback and presence. The dialogue was useful to ensure that the political will existed in the State to give sufficient attention to the Committee's Concluding Observations. The ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure by the State clearly demonstrated the political will of the Government to safeguard the rights of children.

The meeting rose at 6 p.m.